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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,539	12/11/2003	Timothy A. Tamcsin	20030317.ORI	2641
23595	7590	08/11/2006	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			MILLS, DANIEL J	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,539

Applicant(s)

TAMCSIN, TIMOTHY A.

Examiner

Daniel J. Mills

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/26/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The objections to the drawings are withdrawn in view of applicant's amendment dated 5/26/2006.

Claim Objections

Claim 1 is objected to because of the following informalities: "an" line 4 should be deleted.

Claim 1 is objected to because of the following informalities: "a locking portion" line 5 should be changed to --a respective locking portion--.

Claim 1 is objected to because of the following informalities: "the split ring" line 5 should be changed to --each split ring, and--.

Claim 1 is objected to because of the following informalities: "a bolt" line 10 should be changed to --two bolts--.

Claim 3 is objected to because of the following informalities: "a locking portion" line 9 should be changed to --a respective locking portion--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 includes the limitation " with the split rings having an independent non-collinear parallel splits" line 4. There was no original disclosure of such splits in addition to the "gap" claimed in line 6.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 includes the limitation " with the split rings having an independent non-collinear parallel splits" line 4 is unclear. Is applicant attempting to claim split rings that each have a plural of "splits" or that each ring has a single split and the "splits" describes one split on each of the split rings. Is the split the same thing as the "gap in the split ring" (line 6 and line 11)? If so, this is a double inclusion of this feature. If not, it is entirely unclear what structure the splits refer to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rocket (US 20020108465) in view of Bontrager (US 5,290,052).

Regarding claim 3, Rocket discloses a clamp (42) capable of being used for a handlebar on a motorcycle comprising a first split ring (44) for (is capable of) adjustably engaging a fork tube (steerer tube 14 is an extension of the fork) on the motorcycle, a second split ring (46) having an axis parallel to and integrally connected to the first split ring, a L-shaped handlebar (as shown in Figure 3, 38 can be pivoted to form the L-shape with the upright section being the column and the horizontal portion being the handgrip portion) handlebar having a column portion (38) adjustably held in place by the second split ring, and a handgrip portion (when pivoted, the horizontal extension of 38) perpendicular to the column portion, wherein both split rings have a locking portion (the bolt and the parting line) integral with their respective split rings, such that the first split ring can be tightened or loosened to install or adjust the position of the clamp axially and radially along the fork tube and the second split ring can be tightened or loosened to install or adjust the position of the handlebar axially and radially in the second split ring, whereby an infinite range of motion of the handlebar is allowed by independently moving the clamp up and down on the fork and rotating the clamp on the fork, and by

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independently moving the handlebar up and down in the clamp and rotating the handlebar in the clamp.

Rocket fails to disclose two adjustment screws, one each for the first split ring and second split ring.

Bontrager teaches a clamp with a first adjustment screw (at 30 in Figure 6) and a second adjustment screw (at 28 in Figure 6) for the purpose of independently closing separate first (30) and second (28) split rings. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention, to modify the arrangement of Rocket to include a clamp with a first adjustment screw and a second adjustment screw for the purpose of independently closing separate first and second split rings as taught by Bontrager.

Regarding claim 4, Rocket in view of Bontrager results in a clamp for a handlebar on a motorcycle wherein the splits are on separate parallel lines (they are parallel into the page as shown in Figure 6).

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bontrager (US 5,603,521), in view of the 2002 two brothers racing catalog page 77 (twobros).

Regarding claim 1, Bontrager (Figure 6) discloses a clamp capable of being used for a handlebar on a motorcycle comprising a first split ring (30) capable of engaging a fork tube on the motorcycle, a second split ring (28) having an axis parallel to and integrally connected to the first split ring, with the split rings having independent non-collinear split rings wherein both split rings have a locking portion (the flanges through which the bolts pass in Figure 6) integral with the split ring having a bolt aperture (34,

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36) through the locking portions, and a bolt (22) for extending through the locking portion apertures for engaging the threads of the locking portion (one flange per ring is threaded) to adjust the size of gap between the locking portions and tightening or loosening the first split ring on the fork tube of the vehicle and tightening or loosening the second split ring on a handlebar.

Bontrager fails to disclose an arrangement for clamping the split rings, which includes cylindrical posts insertable into the locking portions of the split rings, and through which the bolt is attached.

Twobros teaches a split ring clamping arrangement in which a locking portion integral with the split ring has a first post aperture and a second post aperture, one on either side of a gap in the split ring, and a bolt aperture (shown by the positioning of bolt 3) through the locking portions, a first post having a smooth wall aperture there through and a second post having an aperture with a threaded wall there through (this is clearly true from the illustration), and a bolt (3) for extending through the locking portion apertures and the posts for engaging the threads of the second post to adjust the size of gap between the locking portions. This arrangement is taught as useful to distribute the clamping load over the entire split ring. Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention, to modify the arrangement as disclosed by Bontrager to include a clamping arrangement as taught by twobros for the purpose of evenly distributing the clamping load.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bontrager (US 5,603,521), and the 2002 two brothers racing catalog page 77 (twobros) and further in view of Rocket (US 20020108465).

Regarding claim 2, Bontrager in view of twobros results in a handlebar having a column (14) for engaging the second split ring but fails to disclose a hand grip (68) portion extending perpendicularly from the column.

Rocket teaches the use of a handlebar having an L-shape with the handgrip portion (neck portion 16 see Figure 3 for a side view showing the L-shape) extending perpendicularly from the column (14) for the purpose of allowing a person to steer the vehicle on which the handle bar is mounted. Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention, to modify the arrangement of Bontrager and twobros to include a handgrip portion extending perpendicularly from the column for the purpose of allowing a person to steer the vehicle on which the handle bar is mounted.

Regarding claim 3, Bontrager in view of twobros and Rocket results in a clamp for a handlebar on a motorcycle comprising: a first split ring with a first adjustment screw (at 30) for adjustably engaging a fork tube on the motorcycle, a second split ring a second adjustment screw (at 28) the second split ring having an axis parallel to and integrally connected to the first split ring, an L-shaped handlebar having a adjustably held in place by the second split ring, wherein both split rings have a locking portion integral with their respective split rings, such that the first split ring can be tightened or loosened to install or adjust the position of the clamp axially and radially along the fork

tube and the second split ring can be tightened or loosened to install or adjust the position of the handlebar axially and radially in the second split ring, whereby an infinite range of motion of the handlebar is allowed by independently moving the clamp up on down on the fork and rotating the clamp on the forks, and by independently moving the handlebar up and down in the clamp and rotating the handlebar in the clamp.

Regarding claim 4 Bontrager in view of twobros and Rocket results in a clamp for a handlebar on a motorcycle wherein the splits are on separate parallel lines (they are parallel into the page as shown in Figure 6).

Response to Arguments

Applicant's arguments filed 5/26/2006 have been fully considered but they are not persuasive.

Applicant argues that the word "vehicle" did not appear in claim 2 and thus claim 2 was not properly rejected under Section 112. Examiner disagrees as anything stated in the independent claim is also stated in the dependent claims.

Applicant argues that Rocket has a T-shaped handlebar that is not L-shaped. Examiner disagrees, since applicant did not provide a specific definition for what constitutes a handlebar, the Examiner must apply the broadest reasonable interpretation of what this term means. In a first interpretation, Rocket discloses vertical tube 14, and handgrip 16. In a second interpretation, Rocket discloses the arrangement as shown in Figure 3 wherein the two portions are designed to be tilted to the proper orientation with a vertical upright and horizontal handgrip.

Applicant argues that the "splits" as disclosed in Bontrager are not parallel. Examiner disagrees, applicant terms this as being on separate "parallel lines", clearly both split rings as shown in Bontrager Figure 6 comprise (an infinite number of) separate parallel lines.

Conclusion


Applicant's amendment (claims 1-3 and the addition of claim 4) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DJM
8/2/2006



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